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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 SONLIGHT,

10 Plaintiff,

11 v.

12 Benjamin Staskiewicz, et al.,

13 Defendants.  
14

No. CV-22-02043-PHX-DWL

**ORDER**

15 On December 1, 2022, this action was initiated by “SONLIGHT,” a self-described  
16 “common law, non-statutory private trust,” appearing pro se. (Doc. 1 at 4.)

17 On January 18, 2023, Defendant John S. Bennett filed a motion to dismiss. (Doc.  
18 8.)

19 On January 23, 2023, Defendant Benjamin Staskiewicz filed a motion to dismiss.  
20 (Doc. 13.)

21 On January 27, 2023, the action was transferred to the undersigned judge. (Doc.  
22 17.)

23 On January 31, 2023, the Court issued an order noting that a common law trust  
24 lacks the capacity to sue or be sued such that the suit must be brought by its trustee, who  
25 must be represented by counsel. (Doc. 18.) The Court ordered that the complaint was  
26 dismissed with leave to amend, that “Sonlight’s trustee must retain counsel, and, by  
27 February 28, 2023, retained counsel must file an amended complaint substituting  
28 Sonlight’s trustee as the Plaintiff in this action,” that “if an amended complaint is not

1 filed by retained counsel by February 28, 2023, the Clerk of Court shall dismiss this  
2 action without further notice,” and that “the pending motions to dismiss . . . are denied as  
3 moot.” (*Id.* at 3.)

4 On February 1, 2023, pro se Defendant Robert Allan filed a motion to dismiss  
5 (Doc. 19.) Although this motion was received after the Court’s order dismissing the  
6 complaint, it was dated January 27, 2023, which precedes the Court’s dismissal order.  
7 The complaint already having been dismissed (Doc. 18), Allan’s motion to dismiss is  
8 moot.

9 On February 23, 2023, SONLIGHT filed a motion to vacate the Court’s January  
10 31, 2023 order (Doc. 23) and a memorandum of law in support thereof (Doc. 24).  
11 SONLIGHT asserts that its name should be written in capital letters, that “Sonlight is not  
12 an aka for SONLIGHT,” and that it “does not understand why the [C]ourt has ruled  
13 regarding an unknown party named Sonlight or how Sonlight pertains to Plaintiff.” (Doc.  
14 23 at 2.) To the extent that SONLIGHT truly does not comprehend that the Court’s  
15 January 31, 2023 order applies to it, the Court clarifies that it does.

16 SONLIGHT’s motion to vacate was filed without counsel and is therefore struck.  
17 SONLIGHT shall not file anything further in this action unless it is through competent  
18 counsel.


19 Accordingly,

20 **IT IS ORDERED** that SONLIGHT’s motion to vacate (Doc. 23) is **struck**.

21 **IT IS FURTHER ORDERED** that SONLIGHT shall not file anything further in  
22 this action unless it is through competent counsel.

23 **IT IS FURTHER ORDERED** that Robert Allan’s motion to dismiss (Doc. 19) is  
24 **denied as moot**, the complaint having already been dismissed.

25 Dated this 27th day of February, 2023.

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Dominic W. Lanza  
United States District Judge